

THIS OPINION WAS NOT WRITTEN FOR PUBLICATION

The opinion in support of the decision being entered today (1) was not written for publication in a law journal and (2) is not binding precedent of the Board.

Paper No. 31

UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE BOARD OF PATENT APPEALS  
AND INTERFERENCES

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C. THOMAS CASKEY, YING HUI FU, DAVID L. FRIEDMAN,  
ANTONIO PIZZUTI and RAYMOND G. FENWICK

Junior Party,<sup>1</sup>

v.

J. DAVID BROOK, DAVID E. HOUSMAN, DUNCAN J. SHAW,  
HELEN G. HARLEY and KEITH J. JOHNSON

Junior Party,<sup>2</sup>

v.

J. DAVID BROOK, DAVID E. HOUSMAN, DUNCAN J. SHAW,  
HELEN G. HARLEY and KEITH J. JOHNSON

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<sup>1</sup> Application No. 08/484,044, filed June 6, 1993, now U.S. Patent No. 5,552,282, issued September 3, 1996. Accorded Benefit of U.S. Application No. 08/019,940, filed February 19, 1993. Assignor to Baylor College of Medicine, Houston, TX.

<sup>2</sup> Application No. 08/422,699, filed April 14, 1995. Accorded Benefit of U.S. Application Nos. 08/284,543, filed August 8, 1994; 08/023,612, filed February 26, 1993; and 07/839,255, filed February 20, 1992; PCT Application Nos. PCT US93/01545, filed February 19, 1993; PCT GB93/00253, filed February 5, 1993; and GB92/02485.0, filed February 6, 1992.

Interference No. 103,977

Junior Party,<sup>3</sup>

ROBERT G. KORNELUK and MANI S. MAHADEVAN

Senior Party.<sup>4</sup>

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Interference No. 103,977

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Before URYNOWICZ, SOFOCLEOUS and DOWNEY, Administrative Patent Judges.

SOFOCLEOUS, Administrative Patent Judge.

JUDGMENT

Caskey et al., a junior party, have filed a concession of priority which, pursuant to 37 CFR § 1.662(a), is treated as a request for entry of an adverse judgment as to all claims which correspond to the count.

Korneluk et al., the senior party, have filed a concession of priority which, pursuant to 37 CFR § 1.662(a),

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<sup>3</sup> Application No. 08/422,706, filed April 14, 1995. Accorded Benefit of U.S. Application Nos. 08/284,543, filed August 8, 1994; 08/023,612, filed February 26, 1993; 07/839,255, filed February 20, 1992; and PCT Application Nos. PCT US93/01545, filed February 19, 1993; PCT GB93/00253, filed February 5, 1993; and GB9202485.0, filed February 6, 1992.

<sup>4</sup> Application No. 07/837,405, filed February 18, 1992.

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is treated as a request for entry of an adverse judgment as to all claims which correspond to the count.

Accordingly, judgment as to the subject matter of the count in issue is hereby awarded to J. David Brook, David E. Housman, Duncan J. Shaw, Helen G. Harley and Keith J. Johnson, the junior party. C. Thomas Caskey, Ying Hui Fu, David L. Friedman,

Antonio Pizzuti and Raymond G. Fenwick are not entitled to a patent containing claim 17 corresponding to the count.

Robert G. Korneluk and Mani S. Mahadevan are not entitled to a patent containing claims 1, 2, 4, 5, 7 to 12 and 25 to 27 corresponding to the count.

STANLEY M. URYNOWICZ, JR.	)	
Administrative Patent Judge	)	
	)	
	)	
	)	
MICHAEL SOFOCLEOUS	)	BOARD OF PATENT
Administrative Patent Judge	)	APPEALS AND
	)	INTERFERENCES
	)	
	)	
MARY F. DOWNEY	)	
Administrative Patent Judge	)	

Interference No. 103,977

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